

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT L. CARODINE and
JAMES T. SMITH,

Defendants.

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8:22CR71

ORDER

This matter is before the Court on the defendant, Robert L. Carodine's unopposed Motion to Continue Trial [122]. Counsel needs additional time to review discovery and explore settlement options. Counsel for co-defendant James T. Smith indicates he has no objection to the continuance. Accordingly,

IT IS ORDERED that the Motion to Continue Trial [122] is granted, as follows:

1. The jury trial, **for both defendants**, now set for October 23, 2023, is continued to **January 22, 2024**.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendants in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and January 22, 2024**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would result in a miscarriage of justice, would deny the defendant reasonable time to obtain counsel, or would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(6), (7)(A) & (B)(i), (iv).

DATED: September 19, 2023.

BY THE COURT:

**s/ Michael D. Nelson
United States Magistrate Judge**